

**INCOMPETENCE AND INSANITY -- Commitment under Rule 25, Ariz. R. Crim.  
P. Revised 12/2009**

Rule 25, Ariz. R. Crim. P., provides that if a defendant is found guilty except insane, the court must then commit that defendant to a "secure mental health facility."

That Rule provides:

Rule 25. Procedure After Verdict or Finding of Not Guilty by Reason of Insanity

The court, after a finding of not guilty by reason of insanity or guilty except insane pursuant to A.R.S. § 13-502, shall commit the defendant to a secure mental health facility in accordance with A.R.S. § 13-3994.

This Rule was promulgated to conform with the changes in A.R.S. § 13-502 effective in 1994. Before that, insane defendants were found "not guilty by reason of insanity." The statutes were changed to provide that such defendants were to be found "guilty except insane" and institutionalized in mental health facilities.